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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

Attorney's Docket Number: 2356-0073-01

Prior Application:

Art Unit: 1806

Examiner: K. Masood

# 1/20 8/19/99  
T. Bray

SIR: This is a request for filing a

☐ Continuation ☒ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 08/671,757 filed June 28, 1996 of Sebastian SUERBAUM and Agnès LABIGNE for CLONING AND CHARACTERIZATION OF THE f1bA GENE OF H. PYLORI. PRODUCTION OF AFLAGELLATE STRAINS

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 08/671,757 as originally filed on June 28, 1996 (date).
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☐ Cancel Claims \_\_\_\_\_.
4. ☐ A Preliminary Amendment is enclosed.
5. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 3 and 4 above.

For	Number Filed	Number Extra	Rate	Basic Fee \$
Total				790.00
Claims	32 -20=	12	x\$ 22.00=	264.00
Independent				
Claims	3 -3=	0	x\$ 82.00=	
Multiple Dependent Claim(s) (if applicable)			+\$270.00=	270.00
		Total	=	1,324.00
		Reduction by 1/2 for filing by small entity	=	-
		TOTAL FILING FEE	=	\$1,324.00

JC534 U.S. PTO



01/29/98

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6. ☒ This application is being filed under his application is being filed under the provisions of 37 C.F.R. §1.53(f). Applicants await notification from the Patent and Trademark Office of the time set for payment of the filing fee.
7. ☐ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
8. ☒ Amend the specification by inserting before the first line, the sentence:

--This is a ☐ continuation ☒ division of application Serial No. 08/671,757, filed June 28, 1996.-- all of which are incorporated herein by reference.

9. ☐ New formal drawings are enclosed.
10. ☒ The prior application is assigned of record to INSTITUT PASTEUR & INSTITUT NATIONAL DE LA SANTE ET DE LA RECHERCHE MEDICALE.
11. ☒ Priority of application Serial No. 95 08068, filed on April 7, 1995 in France (country) is claimed under 35 U.S.C. § 119. A certified copy
 

☐ is enclosed or      ☒ is on file in the prior application.
12. ☐ A verified statement claiming small entity status
 

☐ is enclosed or      ☐ is on file in the prior application.
13. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilly, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg.

08/671,757

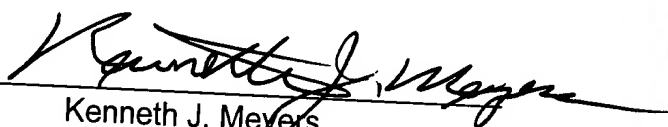
No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Dirk D. Thomas, Reg. No. 32,600; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanhon Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; and Linda A. Wadler, Reg. No. 33,218.

14. ☒ The power appears in the original declaration of the prior application.
15. ☐ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
16. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315.
17. ☐ Recognize as associate attorney \_\_\_\_\_  
 \_\_\_\_\_  
 (name, address & Reg. No.)
18. ☒ Also enclosed is Information Disclosure Statement (copy) filed in prior application Serial No. 08/671,757

00045078-012998

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no. 08/671,757, filed June 28, 1996, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:   
Kenneth J. Meyers  
Reg. No.: 25,146

Date: January 29, 1998

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09-0150781-111-111  
#10/2

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING,  
STAMP WITH SERIAL NUMBER AND RETURN

RECEIVED JAN 29 1998

In re new Divisional Application of: Sebastian SUERBAUM and Agnes LABIGNE  
Parent Appln. S.N. 08/671,757 Group Art Unit: 1806

Filed: June 28, 1996

Examiner: K. Masood

Serial No:

Group Art Unit:

Filed: January 29, 1998

Examiner:

For: CLONING AND CHARACTERIZATION OF THE *fla* GENE OF  
H. PYLORI, PRODUCTION OF AFLAGELLATE STRAINS

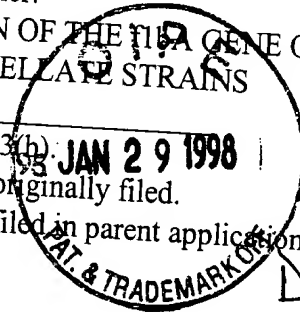
1. Divisional Application Under 37 C.F.R. § 1.53(b).
2. Copy of application Serial No. 08/671,757 as originally filed.
3. Copy of Information Disclosure Statement as filed in parent application  
Serial No. 08/671,757.

Date: 01/29/98

CASE REF: 02356.0073-01000

ATTY/sec: K.J.MEYERS/J. ABBOTT RETURN CARD TO MEYERS

2/25/98



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MD  
1-30-98